

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CAMI JO TICE-HAROUFF, on behalf
Of herself and her patients,

Plaintiff,

v.

CAROLE JOHNSON, *et al.*,

Defendants.

Case No. 6:22-cv-00201-JDK

DECLARATION OF LEE A. WILSON

1. I am a Division Director within the Health Resources and Services Administration (HRSA). I have held this position since October 2020. My duties include, but are not limited to, advising HRSA's Maternal and Child Health Bureau and HRSA regarding the HRSA-supported Women's Preventive Services Guidelines. I have personal knowledge of the facts stated herein.

2. Section 2713 of the PHS Act (42 U.S.C. § 300gg-13), added by the Patient Protection and Affordable Care Act, P.L. 111-148 (Affordable Care Act), and pertinent regulations at 45 CFR Part 147, require non-grandfathered group health plans and non-grandfathered group and individual health insurance issuers (collectively, "Subject Health Insurers") to provide coverage, without cost-sharing, for certain preventive services. Such preventive services include, with respect to women, preventive care and screenings provided for in "comprehensive guidelines supported by [HRSA]" (i.e., the HRSA-supported Women's Preventive Services Guidelines or "the Guidelines"). 42 U.S.C. § 300gg-13(a)(4); 45 C.F.R. § 147.130(a)(iv).

3. The preventive services for which Subject Health Insurers must provide coverage, without cost-sharing, include services related to contraception, including contraceptive counseling. In

addition, beginning in 2016, the Guidelines required Subject Health Insurers to provide coverage, without cost-sharing, for instruction in fertility awareness-based methods, including the lactation amenorrhea method (“FABM instruction”).

4. In 2021, the Women’s Preventive Services Initiative (WPSI) of the American College of Gynecology (ACOG) recommended updates to the Guidelines.

5. On December 30, 2021, HRSA accepted WPSI’s recommended updates to the Guidelines for the purposes described in Section 2713 of the PHS Act (as accepted by HRSA, these guidelines are referred to here as the “2021 Guidelines”). The 2021 Guidelines become effective on December 30, 2022.

6. FABM instruction is included in the 2021 Guidelines, as part of contraceptive counseling and education. Pursuant to Section 2713 of the PHS Act, all preventive services included in the 2021 Guidelines are required to be covered by Subject Health Insurers, without cost-sharing.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the above statements are true and correct.

Executed on this 22st day of June, 2022.

LEE A. WILSON
Director
Healthy Start and Perinatal Services
Maternal and Child Health Bureau
Health Resources and Services Administration